

10/592994

Rev 2/06

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application : WILLEM FERDINAND NIEUWENHUIZEN, ET AL.
 Application No. :
 Filed : Herewith
 For : THE USE OF SPHINGOLIPIDS IN THE TREATMENT AND
 PREVENTION OF TYPE 2 DIABETES MELLITUS, INSULIN
 RESISTANCE AND METABOLIC SYNDROME
 Examiner :
 Attorney's Docket : VER-209XX

TC Art Unit:

* * * * *

I hereby certify that this correspondence is being deposited with the
 United States Postal Service as first class mail in an envelope addressed
 to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on
 _____.

By: _____

Charles L. Gagnebin III
 Registration No. 25,467
 Attorney for Applicant(s)

* * * * *

INFORMATION DISCLOSURE STATEMENT

Mail Stop PCT
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

It is desired to cite for the record in this application the
 enclosed references listed on the attached copy of PTO Form #1449. The
 paragraph(s) marked below are applicable to this Information Disclosure
 Statement.

- [X] (1) Pursuant to 37 C.F.R. § 1.97(b)(1) and (2), the attached
 Information Disclosure Statement is being filed within three months
 of the filing date of the above identified national application or
 within three months of the date of entry of the national stage as
 set forth in 37 C.F.R. § 1.491 of the above identified application.
 Accordingly, applicant(s) believes that no fee or statement under 37
 C.F.R. § 1.97(e) is required.

-1-

Express Mail Number

EV 559896881 US

- [] (2) Pursuant to 37 C.F.R. § 1.97(b)(3), applicant(s) believes the attached Information Disclosure Statement is being filed before the mailing date of a first Office action on the merits. Accordingly, applicant(s) believes that no fee or statement under 37 C.F.R. § 1.97(e) is required.
- [] (3) Pursuant to 37 C.F.R. § 1.97(b)(4), applicant(s) believes the attached Information Disclosure Statement is being filed before the mailing date of a first Office action after the filing of a request for continued examination under § 1.114. Accordingly, applicant(s) believes that no fee or statement under 37 C.F.R. § 1.97(e) is required.
- [] (4) Pursuant to 37 C.F.R. § 1.97(c), the attached Information Disclosure Statement is being filed before the mailing date of a final action or a notice of allowance and is accompanied by:
 - [] a statement under 37 CFR § 1.97(e); or
 - [] the fee set forth in § 1.17(p).

PETITION UNDER 37 CFR § 1.97(d)

- [] (5) Pursuant to 37 CFR § 1.97(d), applicant(s) hereby petitions the Commissioner to consider the attached Information Disclosure Statement which is being filed on or before payment of the issue fee. This petition is accompanied by a statement under 37 C.F.R. § 1.97(e) and the petition fee set forth in 37 C.F.R. § 1.17(p).

STATEMENT UNDER 37 C.F.R. § 1.97(e)(1)

- [] (6) The undersigned hereby states that each item of information contained in the attached Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

STATEMENT UNDER 37 C.F.R. § 1.97(e)(2)

- [] (7) The undersigned hereby states that no item of information contained in the attached Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in the attached Information Disclosure Statement was known to any

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Confirmation No.:

individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Where the status of the application has changed, unknown to the applicant, such that the boxes checked are no longer applicable, the Commissioner is authorized to accept this submission with any additional fees required by that change charged to Deposit Account No. 23-0804.

The filing of this Information Disclosure Statement is not a representation by the undersigned as to personal knowledge of the contents of every word or phrase of the material enclosed or that reliance on other suitably trained professionals has not been made. The filing of this Information Disclosure Statement is not to be construed to be an admission that the information cited herewith is, or is considered to be, material to patentability as defined in 37 CFR §1.56(b), or that Applicant(s) is(are) unable to provide an affidavit under 37 CFR §1.131 swearing back of such information.

If a search report of a searching agency is enclosed identifying the nature of the relevance of each document, such a designation is deemed to satisfy 37 C.F.R. § 1.98(a)(3) even if in a foreign language because the codes are the same in all languages. However, applicant(s) does not necessarily adopt the position reflected by that report.

These references were cited in an International Search Report (copy enclosed) in application No. PCT/NL2005/2005/000193 filed March 15, 2005.

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Confirmation No.:

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 23-0804. Triplicate copies of this letter are enclosed.

Respectfully submitted,

WILLEM FERDINAND NIEUWENHUIZEN, ET AL.

By: 

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Date: September 15, 2006

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Enclosure

Date: September 15, 2006

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U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE CITATION <i>(Use several sheets if necessary)</i>				ATTY. DOCKET NO. VER-209XX		APPLICATION NO.	
				APPLICANT: Willem Ferdinand Nieuwenhuizen, et al.			
				FILING DATE Herewith		TC ART UNIT	
U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	PUBLICATION/ ISSUE DATE	NAME	CLASS	SUBCLASS	FILING DATE
		5,190,876 A	03-1993	Kinkade Jr. et al.			
FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO
		JP 2001 213858 A Abstract	08-2001	Japan			
		WO 03/096983	11-2003	WIPO			
		WO 01/60807	08-2001	WIPO			
		EP 0 988 860	03-2000	European Pat. Off.			
		WO 01/72701	10-2001	WIPO			
OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, etc.)							
		VAN VELDHoven PAUL P ET AL: "Do sphingoid bases interact with the peroxisome proliferator activated receptor alpha (PPAR-alpha)?" ; CELLULAR SIGNALLING, vol. 12, no. 7, July 2000 (2000-07), pages 475-479, page 477, column 2, lines 13-29					
		TURINSKY J ET AL: "EFFECT OF SPHINGOID BASES ON BASAL AND INSULIN-INDUCED GLUCOSE UPTAKE BY SKELETAL MUSCLE", JOURNAL OF CELL BIOLOGY, vol. 115, no. 3 PART 2, 1991, page 222A; & ABSTRACTS OF PAPERS PRESENTED AT THE THIRTY-FIRST ANNUAL MEETING OF THE AMERICAN SOCIETY FOR CELL BI					
		DATABASE BIOSIS 'Online! BIOSCIENCES INFORMATION SERVICE, PHILADELPHIA, PA, US; March 2002 (2002-03), MEI JIE ET AL: "C2-ceramide influences the expression and insulin-mediated regulation of cyclic nucleotide phosphodiesterase 3B and lipolysis in 3T3-L1 adipocytes", Database accession no. PREV200200229126 cited in the application, & DIABETES, vol. 51, no. 3, March 2002 (2002-03), pages 631-637.					
EXAMINER				DATE CONSIDERED			
*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							

CLG/mc/341500.1

REFERENCES FURNISHED BY INTERNATIONAL BUREAU (PCT/NL2005/000193 filed March 15, 2005)